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9
10 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against,

Case No. 800-2017-031873

14 **GORDON BRUCE HOPKINS, M.D.**
15 **800 Prospect Street, Unit 1C**
La Jolla, CA 92037

DEFAULT DECISION
AND ORDER

[Gov. Code, §11520]

16 **Physician's and Surgeon's Certificate**
17 **No. G 20068**

18 Respondent.

19
20 **FINDINGS OF FACT**

- 21 1. On or about July 31, 2019, Complainant Kimberly Kirchmeyer, in her official
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer
23 Affairs (Complainant), filed Accusation No. 800-2017-031873 against Gordon Bruce Hopkins,
24 M.D. (Respondent) before the Medical Board of California.
- 25 2. On or about March 10, 1971, the Medical Board of California (Board) issued
26 Physician's and Surgeon's Certificate No. G 20068 to Respondent. The Physician's and Surgeon's
27 Certificate expired on July 31, 2017, and has not been renewed.

28 / / /

1 3. On or about July 31, 2019, Kristy Voong, an employee of the Board, served by
2 certified mail a copy of the Accusation No. 800-2017-031873, Statement to Respondent, Notice
3 of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and
4 11507.7 to Respondent's address of record with the Board, which was and is 800 Prospect Street,
5 Unit 1C, La Jolla, California 92037. The Accusation, the related documents, and Declaration of
6 Service are attached as exhibit A, and are incorporated herein by reference.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c).

9 5. On or about August 13, 2019, the documents described in paragraph 3, above, were
10 returned by the U.S. Postal Service marked "forward time expired." A true and correct copy of
11 the envelope returned by the post office is attached as exhibit B, and is incorporated herein by
12 reference.

13 6. On or about July 31, 2019, Kristy Voong, an employee of the Board, served by
14 certified mail a copy of the Accusation No. 800-2017-031873, Statement to Respondent, Notice
15 of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and
16 11507.7 to Respondent's then attorney in this proceeding, Timothy C. Polacek, Esq. (Polacek),
17 Miller, Monson, Peshel, Polacek & Hoshaw, 501 West Broadway, Suite 700, San Diego,
18 CA 92101. (Exhibit A.)

19 7. On or about August 5, 2019, the documents described in paragraph 6, above, were
20 delivered as addressed. The certified mail receipt for this delivery is attached as exhibit C, and is
21 incorporated herein by reference.

22 8. On or about August 14, 2019, Polacek advised Complainant's counsel that Polacek
23 had presented, among other things, the documents described in paragraph 6, above, to
24 Respondent. Polacek further indicated to Complainant's counsel that he was no longer
25 representing Respondent in this proceeding and that he had explained to Respondent that failure
26 to file a timely notice of defense could result in a default. (See exhibit D, Declaration of Deputy
27 Attorney General Giovanni F. Mejia [DAG Mejia Decl.], p. 2 , ¶ 5.)

28 / / / /

1 9. Business and Professions Code section 118 states, in pertinent part:

2 (b) The suspension, expiration, or forfeiture by operation of law of a license
3 issued by a board in the department, or its suspension, forfeiture, or cancellation by
4 order of the board or by order of a court of law, or its surrender without the written
5 consent of the board, shall not, during any period in which it may be renewed,
6 restored, reissued, or reinstated, deprive the board of its authority to institute or
7 continue a disciplinary proceeding against the licensee upon any ground provided by
8 law or to enter an order suspending or revoking the license or otherwise taking
9 disciplinary action against the license on any such ground.

10 10. Government Code section 11506 states, in pertinent part:

11 (c) The respondent shall be entitled to a hearing on the merits if the respondent
12 files a notice of defense, and the notice shall be deemed a specific denial of all parts
13 of the accusation not expressly admitted. Failure to file a notice of defense shall
14 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
15 may nevertheless grant a hearing.

16 11. Respondent failed to file a notice of defense within 15 days after service upon him of
17 the Accusation, and therefore waived his right to a hearing on the merits of Accusation
18 No. 800-2017-031873.

19 12. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at the
21 hearing, the agency may take action based upon the respondent's express admissions
22 or upon other evidence and affidavits may be used as evidence without any notice to
23 respondent.

24 13. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on
26 Respondent's express admissions by way of default and the evidence before it, contained in
27 exhibits A, B, C and D finds that the allegations in Accusation No. 800-2017-031873 are true.

28 **DETERMINATION OF ISSUES**

1. Based on the foregoing findings of fact, Respondent Gordon Bruce Hopkins, M.D.'s
Physician's and Surgeon's Certificate No. G 20068 is subject to Board action.

2. A copy of the Accusation and the related documents and Declaration of Service are
attached.

3. The agency has jurisdiction to adjudicate this case by default.

/ / / /

4. The Medical Board of California is authorized to revoke Respondent's Physician's and Surgeon's Certificate based upon the following allegation in Accusation No. 800-2017-031873:

a. Respondent's Physician's and Surgeon's Certificate No. G 20068 is subject to Board action under section 822 of the Business and Professions Code in that his ability to practice medicine safely is impaired because he is mentally ill, or physically ill affecting competency.


ORDER

IT IS SO ORDERED that Physician's and Surgeon's Certificate No. G 20068, heretofore issued to Respondent Gordon Bruce Hopkins, M.D., is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on October 16, 2019, at 5:00. p.m.

It is so ORDERED September 16, 2019


FOR THE MEDICAL BOARD OF
CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
KIMBERLY KIRCHMEYER
EXECUTIVE DIRECTOR

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11 **MEDICAL BOARD OF CALIFORNIA**
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13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

15 **Gordon Bruce Hopkins, M.D.**
16 **800 Prospect Street, Unit 1C**
La Jolla, CA 92037

17 **Physician's and Surgeon's Certificate**
18 **No. G 20068,**

19 Respondent.

Case No. 800-2017-031873

A C C U S A T I O N

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer
23 Affairs (Board).

24 2. On or about March 10, 1971, the Medical Board issued Physician's and Surgeon's
25 Certificate No. G 20068 to Gordon Bruce Hopkins, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate expired on July 31, 2017, and has not been renewed.

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 31 20 19
BY K. Voong **ANALYST**

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4. Section 2227 of the Code states:

“(1) Have his or her license revoked upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation
 toring upon order of the board.

“(5) Have any other action taken in relation to discipline as part of an order of suspension, as the board or an administrative law judge may deem proper.

“ ”

5. Section 118, subdivision (b), of the Code states that:

///

1 the licensee upon any ground provided by law or to enter an order suspending or revoking
2 the license or otherwise taking disciplinary action against the licensee on any such ground.”

3 6. Section 820 of the Code states:

4 “Whenever it appears that any person holding a license, certificate or permit
5 under this division¹ or under any initiative act referred to in this division may be
6 unable to practice his or her profession safely because the licentiate’s ability to
7 practice is impaired due to mental illness, or physical illness affecting competency,
8 the licensing agency may order the licentiate to be examined by one or more
9 physicians and surgeons or psychologists designated by the agency. The report of the
10 examiners shall be made available to the licentiate and may be received as direct
11 evidence in proceedings conducted pursuant to Section 822.

12 7. Section 822 of the Code states:

13 “If a licensing agency determines that its licentiate’s ability to practice his or
14 her profession safely is impaired because the licentiate is mentally ill, or physically ill
15 affecting competency, the licensing agency may take action by any one of the
16 following methods:

17 “(a) Revoking the licentiate’s certificate or license.

18 “(b) Suspending the licentiate’s right to practice.

19 “(c) Placing the licentiate on probation.

20 “(d) Taking such other action in relation to the licentiate as the licensing agency
21 in its discretion deems proper.

22 “....”

23 8. Section 824 of the Code states: “The licensing agency may proceed against a
24 licentiate under either Section 820, or 822, or under both sections.”

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28 ¹ Division 2 of the Code entitled, “Healing Arts.”

1 **CAUSE FOR BOARD ACTION**

2 **(Mental or Physical Illness Affecting Competency)**

3 9. Respondent's Physician's and Surgeon's Certificate No. G 20068 is subject to
4 disciplinary action under section 822 of the Code in that his ability to practice medicine safely is
5 impaired because he is mentally ill, or physically ill affecting competency, as more particularly
6 alleged hereinafter:

7 10. On or about March 12, 2019, Respondent was evaluated by A.A., M.D., J.D.,
8 FCLM ("Dr. A"). Based on the examination, Dr. A. opined, among other things, that Respondent
9 suffers from one or more mental or physical illnesses, and that Respondent's cognitive
10 impairment precludes him from practicing medicine safely.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Medical Board of California issue a decision:

14 1. Revoking or suspending Physician's and Surgeon's Certificate No. G 20068, issued
15 to Respondent Gordon Bruce Hopkins, M.D.;

16 2. Revoking, suspending or denying approval of Respondent Gordon Bruce Hopkins,
17 M.D.'s authority to supervise physician assistants and advanced practice nurses;

18 3. Ordering Respondent Gordon Bruce Hopkins, M.D., if placed on probation, to pay
19 the Board the costs of probation;

20 4. Taking action as authorized by section 822 of the Code as the Medical Board, in its
21 discretion, deems necessary and proper; and

22 5. Taking such other and further action as deemed necessary and proper.

23
24 DATED: July 31, 2019


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant